

Child Death, Near Death, and Stillbirth Commission (CDNDSC)

Policy and Procedure Child Abuse/Neglect Reviews of Near Deaths/Child Deaths

Purpose:

The primary purpose of conducting expedited reviews of child near deaths and child deaths of children (due to abuse and/or neglect) is to uncover potential glaring system issues and provide timely recommendations to alleviate practices or conditions which impact the safety of children.

The final review is meant to examine the facts and circumstances surrounding the near death/death of a child in a more comprehensive manner than the expedited review in an effort to safeguard the health and safety of children.

Policy:

State code gives the Commission the authority to investigate and review the facts and circumstances of all cases of child near death/death due to abuse and/or neglect. Near death of a child is defined as: a child determined by a physician to be in serious or critical condition due to abuse or neglect. An expedited review is limited in scope due to the urgency with which it is conducted and the protection of pending criminal proceedings.

At the conclusion of all criminal proceedings, a comprehensive multi-disciplinary review will be conducted. Once a case of child near death/death which has previously been reviewed in an expedited review is released by the Office of the Attorney General, the panel that conducted the expedited review will conduct a final review.

Legislative Authority:

31 Del. C. § 323 (a) (e)

Expedited Procedure:

1. Near deaths and deaths caused by abuse and/or neglect shall be reviewed within three months of a report to the Commission.
2. Those responsible for reporting cases to the Commission are:
 - a. The Office of the Attorney General
 - b. The Department of Services for Children, Youth, and their Families

- c. Any other state or local agency with the responsibility for investigating child near deaths or child deaths. This includes local and state police departments and the Office of the Chief Medical Examiner.
3. These agencies have fourteen days to report cases to the Commission once it is determined that the near death or death is due to abuse and/or neglect.
4. CDNDSC staff will coordinate a meeting or a conference call to include representatives from all investigating agencies, CDNDSC staff, and a representative from the Office of the Child Advocate (OCA) ¹ upon referral of a near death/death case. The purpose of this meeting is to identify what information is needed and/or available for the expedited review. CDNDSC Staff will subpoena medical and school records as appropriate. Staff will take measures to ensure as much information is gathered as quickly as possible for review.
5. In compliance with § 323 (f), the Office of the Attorney General will authorize any witnesses or subject matter experts participating in the review.
6. These cases are primarily assigned to the Child Abuse and Neglect Panel for review. For good cause shown to the Commission, any panel may be assigned to review any death, near death, or stillbirth case.
7. Prior to the panel reviews, the staff will provide the panel members the names of the identified children (and the names of the parents, if available) through dissemination of CDNDSC datasheets (See attachment 1).
8. Datasheets (to include a narrative section) will be requested by CDNDSC staff from the public agency panel members. These datasheets will be given to the entire panel prior to the reviews. Other records will be available for review one hour prior to the start of each panel meeting.
9. A medical professional will review and summarize medical records pertinent to the case and present an overview to the panel.
10. If mental health records from a private provider are deemed imperative to complete a review, those records will be reviewed by the Office of the Attorney General. Approval by the Office of the Attorney General will need to be given prior to those records being used for review purposes. If approval given, CDNDSC staff will request the NASW representative or mental health professional on the panel to review and summarize any mental health records and present to the panel.
11. If records requested under subpoena are not available at the time of the scheduled review the review will go forward; except in exigent circumstances. The records, when received, will be held for the final review.

¹ OCA participates in this initial meeting since almost all cases of near death due to abuse/neglect are assigned to an OCA guardian *ad litem*. OCA may also have other knowledge regarding a death due to previous referrals and completed timelines.

12. At each panel meeting, panel members must comply with and sign the confidentiality statement for the review process. Confidentiality sheets are collected and maintained by CDNDSC staff. Specific identifying case information will remain confidential and restricted to panel and Commission members.
13. When more than one representative of an agency is present, such as an alternate or a Commissioner, one person must be designated to present the information and identified as the voting member. Voting members have a priority seat at the table.
14. Panel members will orally summarize their agencies' interaction with the child and/or family when applicable.
15. Following presentations of information and discussion, the process to be followed by the panel chair is as follows:
 - a. The chair asks the panel if they are ready to take an *internal*² vote. If "no", chair continues to lead discussion or review is deferred.
 - b. If "yes", the chair will ask:
 - What factors, if any, contributed to the near death/death?
 - Were reasonable standards of practice met by the systems involved?
 - Do we see an opportunity for system improvement?
 - c. The panel will take an *internal* vote to make a determination of preventable, not preventable, or undecided. This is done in an effort to guide the recommendation process and formulate a direct causal link between the recommendation and the prevention of the near death/death. Once an *internal* vote is taken, there will be no additional discussion or questions.
 - d. Recommendations shall be clearly written with enough information so that others not involved in the review will understand the intent and logically relate to the incident. Recommendations must be measurable and address changes to specific systems.
 - e. An affirmative vote of sixty percent of those present is needed to adopt any recommendations.
 - f. In some cases there may be no system failures; however if the panel believes there are public policy issues or prevention suggestions that need to be monitored, these issues will be monitored and tracked by CDNDSC staff. These prevention suggestions or public policy issues may have been discovered during the review but were not directly related to the near death/death. Panels will develop actions steps for these concerning issues.
 - g. These suggestions/issues will not be listed in the letter to the Governor. They will be included in the CDNDSC annual report if agreed upon by a vote from the Commission.

² The abuse/neglect panel developed this internal vote to help guide their voting on recommendations that would be sent to the Governor. After discovering systems issues, not related to the cause of the death, the panels felt that this "guide" would be helpful to ensure the process was modeled after a systemic analysis.

16. The panel may create a list of records and witnesses to be subpoenaed and/or requested for the final review of the case. Panels shall be judicious when determining records and witnesses needed for final reviews, considering both workloads for the agencies producing the records/witnesses and relevance to the circumstances surrounding the near death/death reviewed.
Records may include:
 - a. Medical records
 - b. State agency records
 - c. Relevant records from other involved agencies (i.e. non-profit providers)
 - d. Information that may emerge from the completion of the criminal prosecution, including law enforcement and the Office of the Attorney General records
 - e. Witness testimony/affidavits.
17. The chair or co-chair completes the review documentation sheet summarizing agency activity, the panel vote and recommendations. (See attachment 2)
18. CDNDSC staff will prepare the panel report of the chair to submit at the next scheduled Commission meeting. (See attachment 3)
19. The panel chair, in collaboration with CDNDSC staff, will ensure the completion of an expedited review and the presentation of recommendations to the Commission, or will request an extension, within mandated timeframes. Completion of an expedited review may be extended up to six months for good cause shown. This determination must be made by a 60% or greater vote of Commissioners with quorum established at a Commission meeting.
20. CDNDSC staff will prepare the expedited letter (including the recommendations) to the Governor. (See attachment 4). This letter must be approved by the Commission prior to being signed by the Commission chair.
21. Once the letter is approved, CDNDSC will send the letter to the Governor, General Assembly, and Child Protection Accountability Commission. This will be distributed within twenty days of a review being completed. The recommendations will also be included within the CDNDSC annual report. The expedited letters will be distributed to the panel in their final form.
22. The panel will be asked to develop and monitor action steps for each recommendation made and approved by the Commission. Action steps must be approved by the Commission prior to documenting in the CDNDSC database. CDNDSC staff will develop and implement a process to document and monitor actions steps.
23. Progress on the action steps will be reviewed with panels during meetings. Action steps will be documented in the CDNDSC annual report.
24. At the completion of an expedited review, each panel member will put all documents that may be needed for the final review in an individual envelope (provided by CDNDSC staff). This includes handwritten notes,

- datasheets, and other relevant documents. The envelope will be sealed and the panel members shall mark the envelope with his/her name, agency and contact information. Staff will store the documents at the CDNDSC office. Upon the final review of the particular case, the envelope will be returned to the individual panel member or their designated proxy.
25. The Chair and Co-Chair will submit their sealed envelopes after presenting to the Commission, and a final vote has been taken by the Commission on the recommendations.
 26. All data will be entered into a secured computerized database, which will be maintained by the CDNDSC staff.

Final Procedure:

1. CDNDSC will develop and implement a process to monitor cases that have been reviewed in an expedited manner. Every six months, the CDNDSC staff will communicate with the Office of the Attorney General to establish if any cases are ready to be released for a final review.
2. Upon release of the case by the Office of the Attorney General, staff will subpoena and/or request agency records, expert subject witnesses, and general witnesses for the review.
3. It may also be necessary to coordinate a meeting or conference call to include representatives from all investigating agencies, CDNDSC staff, and a representative from the Office of the Child Advocate (OCA)³ upon referral of a near death/death case. The purpose of this meeting is to identify what information is needed and/or available for the final review.
4. Staff will organize case records, agency/discipline envelopes, and initial letter to the Governor and forward those materials to the appropriate discipline on the panel.
5. CDNDSC staff will return the envelopes to each panel member containing documentation from the expedited review one month prior to the final review.
6. Updated datasheets, to include a narrative section, will be requested from the public agencies and distributed to panel members for the final review.
7. Records will be made available to panel members one week prior to the review at the CDNDSC office.
8. At each panel meeting, panel members and invited professionals must comply with and sign the confidentiality statement for the review process. Confidentiality sheets are collected and maintained by CDNDSC staff. Specific identifying case information will remain confidential and restricted to panel and Commission members.
9. When more than one representative of an agency is present, such as an alternate or a Commissioner, one person must be designated to present

³ OCA participates in this initial meeting since almost all cases of near death due to abuse/neglect are assigned to an OCA guardian *ad litem*. OCA may also have other knowledge regarding a death due to previous referrals and completed timelines.

- the information and identified as the voting member. Voting members have a priority seat at the table.
10. Panel members will orally summarize their agencies' interaction with the child and/or family when applicable.
 11. Following presentations of information and discussion, the process to be followed by the panel chair is as follows:
 - a. The chair asks the panel if they are ready to take a *final* vote. If "no", chair continues to lead discussion or review is deferred.
 - b. If "yes", the chair will ask:
 - What factors, if any, contributed to the near death/death?
 - Were reasonable standards of practice met by the systems involved?
 - Do we see an opportunity for system improvement?
 - c. The panel will take a *final* vote to make a determination of preventable, not preventable, or undecided. This is done in an effort to guide the recommendation process and formulate a direct causal link between the recommendation and the prevention of the near death/death. Once a vote is taken, there will be no additional discussion or questions.
 - d. Recommendations shall be clearly written with enough information so that others not involved in the review will understand the intent and logically relate to the incident. Recommendations must be measurable and address changes to specific systems.
 - e. An affirmative vote of sixty percent of those present is needed to adopt any recommendations.
 - f. In some cases there may be no system failures; however if the panel believes there are public policy issues or prevention suggestions that need to be monitored, these issues will be monitored and tracked by CDNDSC staff. These prevention suggestions or public policy issues may have been discovered during the review but were not directly related to the near death/death. Panels will develop actions steps for these concerning issues.
 - g. These suggestions/issues will not be listed in the letter to the Governor. They will be included in the CDNDSC annual report if agreed upon by a vote from the Commission.
 12. If a review cannot be completed due to lack of information, the following should be considered:
 - a. Request that additional information be subpoenaed.
 - b. Panel members research additional case information within their own agency.
 - c. Invite the professional (s) who can be of assistance in completing the review.
 - d. Defer the review.

13. The chair or co-chair completes the review documentation sheet summarizing agency activity, the panel vote and recommendations. (See attachment 2)
14. CDNDSC staff will prepare the panel report of the chair to submit at the next scheduled Commission meeting. (See attachment 3)
15. CDNDSC staff will prepare the final letter (including recommendations) to the Governor. (See attachment 5). This letter must be approved by the Commission prior to being signed by the Commission chair. The initial expedited letter will also be attached to the final letter to the Governor.
16. Once the letter is approved, CDNDSC will send the letter to the Governor, General Assembly, and Child Protection Accountability Commission. This will be distributed within twenty days of a review being completed. The recommendations/letters will also be included within the CDNDSC annual report. The final letters will be distributed to the panel in their final form.
17. The panel will be asked to develop and monitor action steps for each recommendation made. These actions steps must be approved by the Commission. CDNDSC staff will develop and implement a process to document and monitor actions steps.
18. Progress on the action steps will be reviewed with the panels during monthly meetings. Action steps will be documented in the CDNDSC annual report.
19. At the completion of a final review, all panel members will turn over all documentation related to that review to CDNDSC staff for shredding of this confidential information.
20. The Chair and Co-Chair will submit their documentation after presenting to the Commission, and a final vote has been taken by the Commission on the recommendations.
21. All data will be entered into a secured computerized database, which will be maintained by the CDNDSC staff.

Attachment 1

Child Death, Near Death, and Stillbirth Commission (CDNDSC)

Abuse/Neglect Review Cover Sheet

County: _____ ID Number: _____ Panel Reviewing Case: _____

Death: _____ or Near Death: _____

CHILD'S INFORMATION:

Child's Name:

Child's Residence:

DOB:

Gender:

Race:

Ethnicity:

Date of Incident/Death:

Age at Time of Incident/Death:

Near Death cause:

For Death Cases:

Certification Date:

Manner of Death:

Cause of Death 1

Cause of Death 2

Cause of Death 3

BRIEF CASE SCENARIO:

FAMILY INFORMATION:

Mother's Name:

DOB:

Address:

List Any Alias Used, Including Maiden Name:

Father's Name:

DOB:

Address:

List Any Alias Used:

KNOWN AGENCY INVOLVEMENT:

OTHER

Attachment 2

Child Death, Near Death, and Stillbirth Commission (CDNDSC)

Abuse/Neglect Case Review Documentation Sheet

ID: _____

Date: _____

Child's NAME: _____

General Discussion:

Review Decision

Deferred: _____

Additional Information Needed:

Completed Regular or Final Expedited:

Not Preventable: _____ Preventable: _____ Unknown: _____

***Internal Vote* due to Initial Expedited case:**

Not Preventable: _____ Preventable: _____ Unknown: _____

Recommendations/Action Plans/Follow-up Needed:

Issues of concern to be tracked:

Attachment 3
**Child Death, Near Death, and
Stillbirth Commission
(CDNDSC)**

Child Abuse/Neglect Panel
Issues/Recommendations
Case #

Brief Summary of the Case:

Issue One

Recommendation to the Governor:

Similar previous recommendations:

Attachment 4



STATE OF DELAWARE
Child Death, Near Death and Stillbirth Commission
900 King Street
Wilmington, DE 19801-3341

DATE

The Honorable Ruth Ann Minner
Office of the Governor
820 N. French Street, 12th Floor
Wilmington, DE 19801

Re: Child Death, Near Death and Stillbirth Commission
Expedited Review of Child Death (or near death) due to Abuse/Neglect
CASE #

Dear Governor Minner:

In accordance with 31 Del.C. §323(a), the CDNDSC has conducted an expedited review of a child death [or near death, (as certified by a physician)] due to abuse or neglect. The review is limited in scope due to the expediency with which it is conducted and the need to protect the integrity of criminal proceedings. Upon completion of criminal prosecution, the Commission will conduct a final comprehensive review of this case, and may put forth further recommendations at that time. Attached are the recommendations resulting from the expedited review.

Thank you for the opportunity to oversee Delaware's Child Death Review Process, and for your commitment to the prevention of child abuse and neglect, and the elimination of child mortality in Delaware.

Sincerely,

Chair
Child Death, Near Death and Stillbirth Commission

cc: Members of the Delaware House of Representatives
Members of the Delaware Senate
Members of Child Death, Near Death and Stillbirth Commission
Members of the Child Protection Accountability Commission
CDNDSC, Correspondence File



STATE OF DELAWARE
Child Death, Near Death and Stillbirth Commission
900 King Street
Wilmington, DE 19801-3341

INTERIM Expedited
Abuse and Neglect Panel Recommendations

CASE #

Manner of Death:

Upon completion of the expedited review, it appears all systems did/did not meet current standards of practice.

(If did not)

It appears further review of the () system(s) is required. In addition, CDNDSC offers the following recommendations:

(if "did")

While all systems appeared to have met the current standard or practice, the CDNDSC offers the following recommendation(s):

Attachment 5



STATE OF DELAWARE
Child Death, Near Death and Stillbirth Commission
900 King Street
Wilmington, DE 19801-3341

DATE

The Honorable Ruth Ann Minner
Office of the Governor
820 N. French Street, 12th Floor
Wilmington, DE 19801

Re: Child Death, Near Death and Stillbirth Commission
Expedited Review of Child Near Death/death due to Abuse/Neglect
CASE #

Dear Governor Minner:

In accordance with 31 Del.C. §323(a), the CDNDSC has conducted an expedited review of a child death [or near death (as certified by a physician)] due to abuse or neglect. The review was limited in scope due to the expediency with which it is conducted and the need to protect the integrity of criminal proceedings. A more comprehensive review has been conducted and attached are the recommendations resulting from the review, as well as the original expedited review and any progress made on those recommendations.

Thank you for the opportunity to oversee Delaware's Child Death Review Process, and for your commitment to the prevention of child abuse and neglect, and the elimination of child mortality in Delaware.

Sincerely,

Garrett H.C. Colmorgen, MD
Chair
Child Death, Near Death and Stillbirth Commission

cc: Members of the Delaware House of Representatives
Members of the Delaware Senate
Members of Child Death, Near Death and Stillbirth Commission
Members of the Child Protection Accountability Commission
CDNDSC, Correspondence File



STATE OF DELAWARE
Child Death, Near Death and Stillbirth Commission
900 King Street
Wilmington, DE 19801-3341

**Final Expedited
Abuse and Neglect Panel Recommendations**

CASE #

Manner of Near Death:

Upon completion of the expedited review, it appears all systems did/did not meet current standards of practice.

(If did not)

It appears further review of the () system(s) is required. In addition, CDNDSC offers the following recommendations:

(if "did")

While all systems appeared to have met the current standard or practice, the CDNDSC offers the following recommendation(s):